

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In the Matter of the Application of

HARTFORD FIRE INSURANCE COMPANY,

Petitioner,

- against -

THE EVERGREEN ORGANIZATION, INC.,
CHARLES CARONIA, SR., GARY UPHOUSE,
CHARLES CARONIA, JR., and ANDREJS
KRUTAINIS,

Respondents.

Civil Action No.07-CV-7977 (RJS)

**[PROPOSED] JUDGMENT
CONFIRMING ARBITRATION
AWARD**

The Cross-Petition for Judgment Confirming Arbitration Award (the "Cross-Petition") and Opposition to Petition for Judgment Confirming Arbitration Award of Respondents The Evergreen Organization, Inc. ("Evergreen") and Charles Caronia, Sr., Gary Uphouse, Charles Caronia, Jr., and Andrejs Krutainis (collectively, the "Individual Respondents") ("Evergreen" and the Individual Respondents" are sometimes collectively referred to as "Respondents") came for a hearing on _____, 2007, in the United States District Court, Southern District of New York, the Hon. Richard J. Sullivan, presiding, appearance being made by counsel for Petitioner Hartford Fire Insurance Company and counsel for Respondents.

After considering the Cross-Petition and Opposition to Petition and all papers submitted in support of the Cross-Petition and Opposition to Petition, and the Petition and all papers in support of the Petition, as well as all papers and pleadings submitted in this action and all other matters presented, and, good cause appearing therefore,

IT IS HEREBY, ORDERED, ADJUDGED AND DECREED that the Final Arbitration Orders issued by Arbitration Panel in the arbitration captioned *Hartford Fire Insurance Company v. The Evergreen Organization, Inc., et al.* are hereby confirmed.

IT IS HEREBY, ORDERED, ADJUDGED AND DECREED that the Orders are confirmed against:

- (1) Evergreen in the amount of \$6,160,550.91;
- (2) Evergreen and Mr. Uphouse jointly and severally liable in the amount of \$601,210;
- (3) Mr. Caronia, Sr. in the amount of \$0.00;
- (4) Mr. Caronia, Jr. in the amount of \$0.00; and
- (5) Mr. Krutainis in the amount of \$0.00.

Dated: October 16, 2007
New York, New York

United States District Judge